



# Brighton Crossing Filing No. 2, 8<sup>th</sup> Amendment Final Plat and Development Agreement

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CITY COUNCIL MEETING – November 4, 2024

Applicant/Owner:  
City Staff Representative:

Brookfield Residential (Colorado) LLC  
Nick Di Mario, *AICP*, Senior Planner



## Code Transition Statement

In the City's transition to the code adopted with an effective date of January 1, 2020, applications submitted prior to said effective date, such as the subject applications, were reviewed by City staff using the previous *Land Use & Development Code* and such sections and criteria are referenced in this presentation and accompanying report.



## Purpose

- Consideration of a Final Plat for the creation of a 161 lot subdivision and approval of an accompanying Development Agreement Amendment.

## Processes

- Platting is the third step in the land use entitlement process.





# Subject Property Location

- The Property is generally located to the south of Longs Peak Street, north of E. Bridge Street, east of the Brighton Crossing Filing No. 1 Subdivision and west of the Speer Canal.

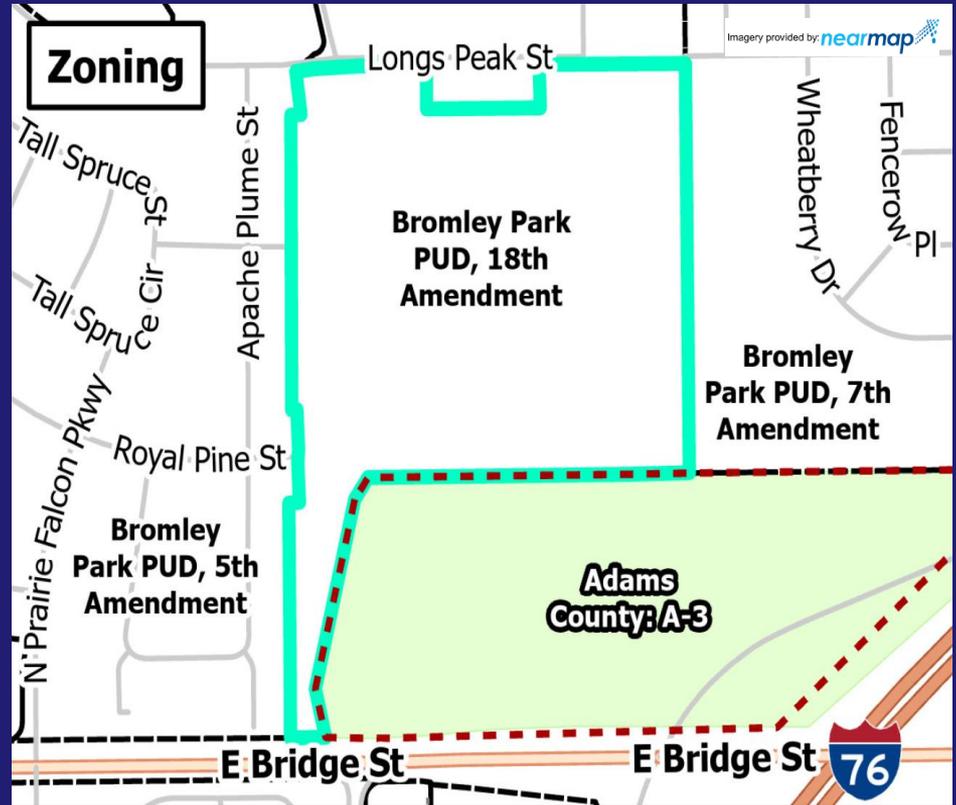




## Background

### The Property:

- Was annexed in 1985 as part of the Bromley Park Annexation.
- Is zoned Single Family Detached under the Bromley Park PUD 18<sup>th</sup> Amendment.
- Was originally platted by the Brighton Crossing Filing No. 2 Final Plat.
- Was most recently platted into 'super-blocks' by the Brighton Crossing Filing No. 2 6<sup>th</sup> Amendment Final Plat.

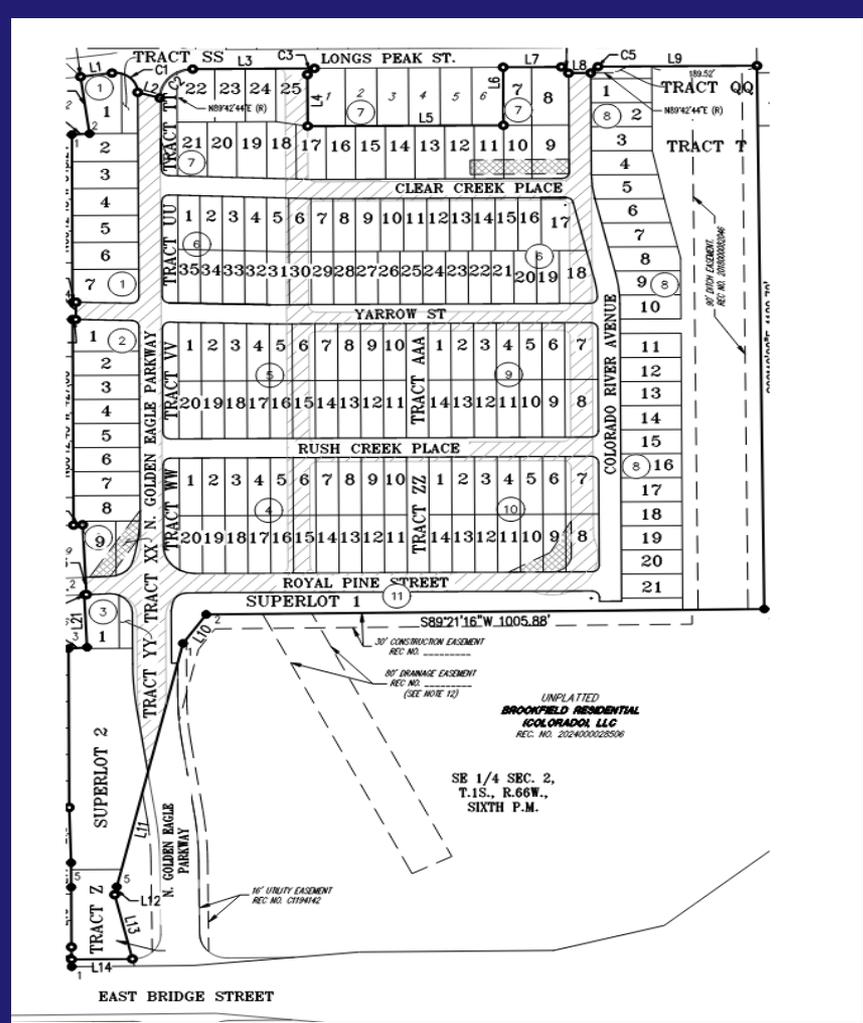




## Brighton Crossing Filing No. 2 8<sup>th</sup> Amendment – Final Plat

### The Final Plat:

- Is approximately 33.248 acres in size.
- Designates 161 lots for single family residential detached uses.
- Designates appropriate rights of way and easements for the construction of roads and utilities.
- Designates tracts for landscaping.



Final Plat by Applicant



## Development Agreement Amendment – Overview

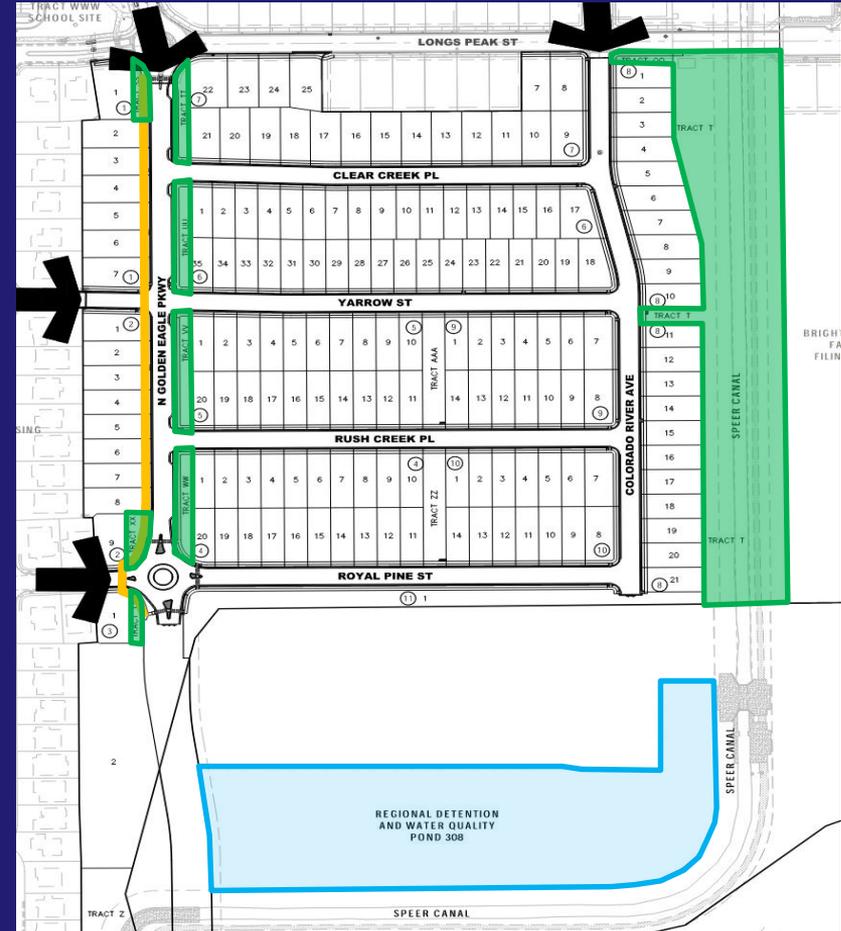
- Under the prior (i.e. before 2020) *Land Use & Development Code* (LUDC), final plats are accompanied by development agreements, subject to City Council review and approval.
- Development agreements contain obligations required of the Owner and any future successors and assigns.
- The Property is currently included in the Brighton Crossing Filing No. 2 Development Agreement. As the Property is being re-platted, a development agreement amendment is necessary.
- Accompanied with the proposed Final Plat is the Brighton Crossing Filing No. 2 Development Agreement – 5<sup>th</sup> Amendment.
- Any items of the original development agreement not amended by the accompanying amendment will remain in full force and effect.



# Development Agreement Amendment

The Development Agreement Amendment will hold the Owner / Developer / District to the following:

- Adhere to the various Pond 308 agreements.
- Design, construct and maintain community mailboxes.
- Design, construct and maintain trails and sidewalks.
- Provide a fee in lieu of water dedication, as is allowed by the applicable annexation agreement.
- Purchase water taps for the irrigation of landscape tracts, and maintain said tracts.
- Erect future development signs.
- Participate in the Capital Facility Fee Foundation (School District 27J).
- Adhere to any provision of the original agreement not amended.

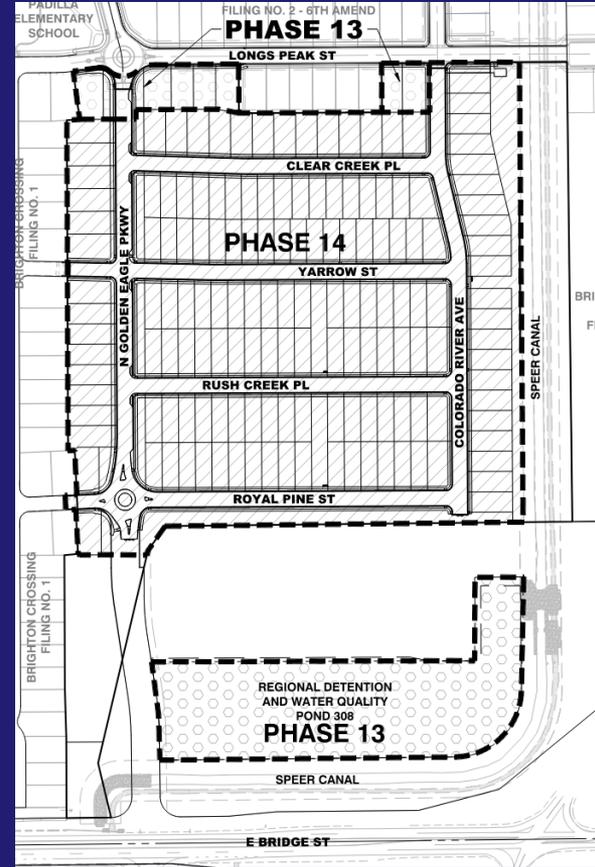




# Phasing

Phasing is the process by which the subdivision is separated into distinct phases of construction. No building permits can be issued until the construction of public improvements for a particular phase have been completed.

- The Property is separated into two phases (known as Phases 13 and 14).
- Phase 13 must occur before, or concurrent with, Phase 14.

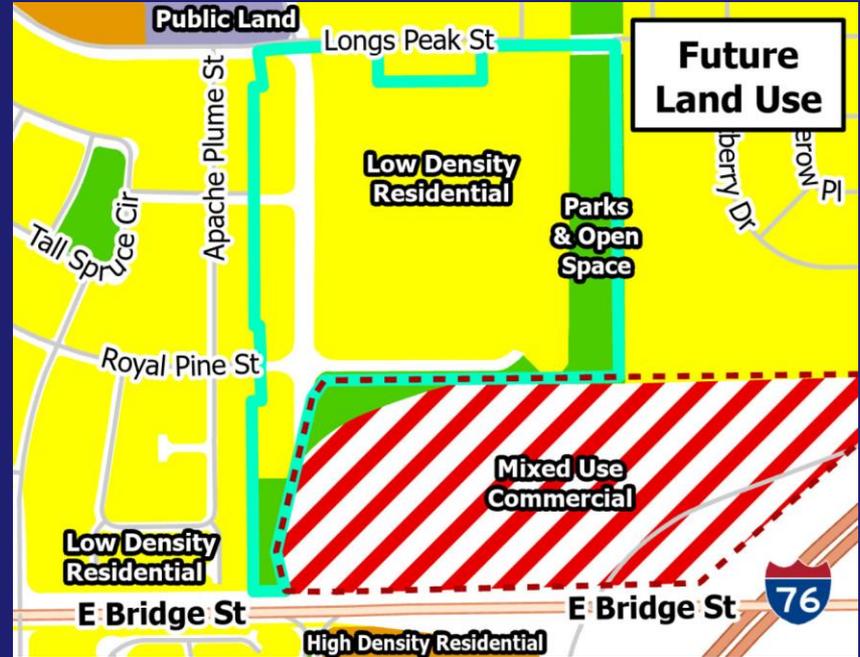


Phasing Plan by Applicant



# Review Criteria (Land Use & Development Code) Be Brighton Comprehensive Plan

- The Property's Comprehensive Plan Designations:
  - Low Density Residential
  - Parks & Open Space



Future Land Use Map



# Review Criteria (*Land Use & Development Code*) Be Brighton Comprehensive Plan

## Chapter Four: Citywide Principles, Policies & Strategies

- Principle 1: Managing Growth
  - Policies 1.1, 1.2, 1.3 and 1.5
- Principle 2: *The Freestanding City*
  - Policies 2.1, 2.2 and 2.4
- Principle 3: *Open Space and Natural Environment*
  - Policies 3.2 and 3.5
- Principle 4: *Multimodal Transportation*
  - Policy 4.1
- Principle 6: *Promote Neighborhoods*
  - Policies 6.1 and 6.2



## **Review Criteria (*Land Use & Development Code*) Section 17-40-250 Plat Amendment**

- Plat amendments not substantially similar to the approved Final Plat shall be presented to City Council for review and approval.
- In this case, the proposed Final Plat reconfigures lot layouts and locations, easements and roadways from the Brighton Crossing Filing No. 2, 6<sup>th</sup> Amendment Final Plat.
- All plat amendments shall be reviewed against the applicable review criteria from Section 17-40-210.



## Review Criteria (*Land Use & Development Code*) Section 17-40-210 *Final Plat*

- The Property is in compliance with the *Land Use & Development Code*.
- The development of this Property is in compliance with the applicable PUD zone district. Specifically, the lot layout and width meet the requirements of the Single Family Detached zoning designation.
- The proposed subdivision, where its neighbors are mainly residential, is compatible with the surrounding area. Specifically, the Final Plat continues the development pattern of the subdivision to the west (Brighton Crossing Filing No. 1).



## Review Criteria (*Land Use & Development Code*) Section 17-40-220 *Subdivision Agreement*

- The Applicant has entered into a subdivision agreement.
- The agreement details the infrastructure obligations required to protect the public health, safety and welfare of the City and its residents.
- The agreement requires the submittal of a schedule of improvements for each phase, and a financial guarantee equal to such schedules.
- The agreement maintains the obligations of the original development agreement, specifically but not limited to, the construction of all roadways shown on the construction plans and payment of impact fees.



# Summary of Findings

- The Final Plat includes the necessary rights of way, easements and trails and sidewalks necessary to serve current and future residents.
- The Development Review Committee finds the Final Plat to be in compliance with the *Land Use & Development Code*, the Comprehensive Plan and the applicable zone district.
- Staff finds the Development Agreement Amendment to be in compliance with the *Land Use & Development Code*.



## Public Notice and Comment

- Public Notice was provided in accordance with the Land Use & Development Code.

On October 18<sup>th</sup>:

- ✓ Three signs were posted on the Subject Property.
- ✓ Written notice was mailed to all property owners within 1,000 feet of the Subject Property.
- ✓ Notice was published on the City's website.
- City staff posted information for the public hearing on Facebook and Nextdoor.
- Planning staff has not received any formal comments in advance of this hearing.



# Summary of Findings

- ✓ The Development Review Committee reviewed this proposal and recommended approval.

# City Staff Recommendation

- ✓ Staff recommends approval of the Brighton Crossing Filing No. 2, 8<sup>th</sup> Amendment Final Plat and the Brighton Crossing Filing No. 2 Development Agreement 5<sup>th</sup> Amendment.



## Options for City Council

City Council has four (4) actions it can take after reviewing this application.

Council may:

- Approve the Final Plat and Development Agreement Amendment via resolution as drafted;
- Approve a modified Final Plat and Development Agreement Amendment via resolution;
- Deny the Final Plat and Development Agreement Amendment with specific findings to justify the denial; or
- Continue the item to be heard at a later, specified date if the Council feels it needs additional information to ensure compliance with the approval criteria as set forth in the *Land Use & Development Code*.